

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

EDWARD CAPERS

\*

Criminal No. CCB-10-0056

Civil No. CCB-16-1829

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MEMORANDUM

Edward Capers has filed a motion under 28 U.S.C. § 2255 challenging his sentence imposed under the career offender guidelines. The government has filed a response to which Capers has not filed a reply.

The ground for the § 2255 motion is that Capers is not a career offender, because his prior convictions no longer qualify as career offender “crimes of violence” pursuant to the holding of the Supreme Court in *Johnson v. United States*, 135 S. Ct. 2551 (2015). However, in *Beckles v. United States*, 137 S. Ct. 886, 895 (2017), the Supreme Court held that the advisory Guidelines are not subject to a vagueness challenge under the Due Process Clause. Johnson does not apply. Thus, Caper’s claims must be denied. No certificate of appealability will be issued.

A separate order follows.

Date:

4/5/18

CAB

Catherine C. Blake  
United States District Judge